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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/682,600 | 10/09/2003 | Lewis Sharps | S-09 | 2705 |
| 21394 | 7590 | 02/01/2007 | EXAMINER | |
| ARTHROCARE CORPORATION 680 VAQUEROS AVENUE SUNNYVALE, CA 94085-3523 | | | COHEN, LEE S | |
| | | ART UNIT | PAPER NUMBER | |
| | | 3739 | | |
| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | | DELIVERY MODE | |
| 30 DAYS | 02/01/2007 | | PAPER | |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Response to Amendment

The reply filed on December 13, 2006 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s):

- The amendment to the specification filed 12/13/06 is not in the proper format. All amendments in a reissue must be made relative to the original patent. All bracketing and underlining is made in comparison to the original patent, not in comparison to any prior amendment in the reissue application. In this instance it appears that the applicant has used underlining and bracketing to indicate changes in the initial paragraph(s) relative to an earlier amendment instead of relative to the patent. The amendment needs to be refiled in the proper format; this will also require the applicant to file a supplemental oath accompanying the new amendment in proper format.
- It also does not appear that the amendments to the drawings (proposed drawing changes filed 10/9/03 affecting figures 10 and 27B) have been presented in proper format. 37 CFR 1.173 b(3) addresses drawing changes in reissue as follows:

(3) **Drawings.** One or more patent drawings shall be amended in the following manner: Any changes to a patent drawing must be submitted as a replacement sheet of drawings which shall be an attachment to the amendment document. Any replacement sheet of drawings must be in compliance with § 1.84 and shall include all of the figures appearing on the original version of the sheet, even if only one figure is amended. Amended figures must be identified as "Amended," and any added figure must be identified as "New." In the event that a figure is canceled, the figure must be surrounded by brackets and identified as "Canceled." All changes to the drawing(s) shall be explained, in detail, beginning on a separate sheet accompanying the papers including the amendment to the drawings.

Applicant will need to submit proposed drawing changes in the proper format as well.

See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lee S. Cohen whose telephone number is 571-272-4763. The examiner can normally be reached on Monday-Friday, 7:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Linda Dvorak can be reached on 571-272-4764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Lee S. Cohen
Primary Examiner
Art Unit 3739

LSC
January 25, 2007